

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ARMANDO SERRANO	)	
	)	Case No. 17 CV 2869
Plaintiff,	)	
	)	Hon. Manish S. Shah
	)	
vs.	)	Magistrate Jeffrey Cole
	)	
	)	
REYNALDO GUEVARA, ERNEST	)	JURY DEMAND
HALVORSEN, EDWARD MINGEY,	)	
MATTHEW COGHLAN, JOHN DILLON, the	)	
CITY OF CHICAGO, and COOK COUNTY	)	
	)	
Defendants.	)	

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JOSE MONTANEZ	)	
	)	Case No. 17 CV 4560
Plaintiff,	)	
	)	Hon. Manish S. Shah
	)	
vs.	)	Magistrate Jeffrey Cole
	)	
	)	
REYNALDO GUEVARA, ERNEST	)	JURY DEMAND
HALVORSEN, EDWARD MINGEY,	)	
MATTHEW COGHLAN, JOHN DILLON, the	)	
CITY OF CHICAGO, and COOK COUNTY	)	
	)	
Defendants.	)	

**INDIVIDUAL POLICE OFFICER DEFENDANTS' AGREED MOTION FOR  
EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD AND TO  
SUBSTITUTE COUNSEL**

Defendants Reynaldo Guevara, Ernest Halvorsen, and Edward Mingey, by their attorneys, The Sotos Law Firm, P.C., move this court for a brief extension of time to answer or otherwise plead and to substitute counsel for Defendants Guevara and Halvorsen. In support thereof the Individual Police Officers state:

1. Plaintiff Serrano filed his complaint in May 2017 and Plaintiff Montanez filed his complaint in June 2017. The Individual Police Officer Defendants and City of Chicago (“City Defendants”) filed a joint motion to dismiss in November 2017. Pursuant to the Court’s order, discovery proceeded while the motion to dismiss was pending. During the discovery period, the Individual Police Officer Defendants were deposed and asserted their Fifth Amendment rights.

2. On May 29, 2018, the Court granted in part and denied in part the City Defendants’ motion to dismiss, granted Plaintiffs leave to amend their Complaints by June 19, 2018, and ordered the City Defendants to file their responsive pleadings by July 10, 2018. (Serrano, Dkt. 88; Montanez, Dkt. 86).

3. Counsel for the City Defendants were engaged in a four week trial before Judge Gottschall in *Rivera v. Guevara, et al* (No. 12 CV 004428) during June 2018, when Plaintiffs filed their Amended Complaints (Serrano, Dkt. 90; Montanez, Dkt. 89) on June 19, 2018. Plaintiffs and the City Defendants agreed to an extension of time until August 20, 2018 in order to file a responsive pleading to the Amended Complaints. (Serrano, Dkt. 94; Montanez, Dkt. 93)

4. Plaintiff Serrano’s First Amended Complaint contains 221 paragraphs and 11 counts (Serrano, Dkt. No. 90) and Plaintiff Montanez’s Corrected First Amended Complaint contains 186 paragraphs and 11 counts. (Montanez, Dkt. No. 89).

5. Defendant Mingey recently reconsidered his assertion of the Fifth Amendment and has decided not to invoke his rights. Accordingly, Defendant Mingey must prepare a substantive answer to both Plaintiffs’ Amended Complaints.

6. As result of Mingey’s decision to testify, Defendants Guevara and Halvorsen now move to substitute Thomas M. Leinenweber and James V. Daffada of the law firm of Leinenweber, Baroni, & Daffada, LLC as their counsel, and to withdraw the appearances of

James G. Sotos, Caroline P. Golden, David A. Brueggen, Josh M. Engquist, Jeffrey N. Given, Jeffrey R. Kivetz, and Joseph M. Polick, with the Sotos Law Firm, P.C. Based on the timing of Defendant Mingey's decision to not assert his Fifth Amendment rights, the length of Plaintiffs' amended complaints, and Defendants Guevara and Halvorsen's requested substitution of counsel, the Individual Police Officer Defendants seek a brief 16 day<sup>1</sup> extension of time to file their responsive pleading to the Amended Complaints, on or before September 5, 2018.

7. This motion is not being made for the purpose of causing undue delay and will not result in prejudice to any party because discovery has been proceeding. In addition, the Individual Police Officer Defendants' responsive pleadings will be filed one week prior to the September 12, 2018 status hearing with Magistrate Judge Cole and more than three weeks before the September 27, 2018 status hearing before Judge Shah.

8. The undersigned contacted Plaintiffs' counsel to inquire whether Plaintiffs had any objection to the instant Motion. Plaintiffs' counsel indicated that they had no objection to this motion.

WHEREFORE, Defendants Reynaldo Guevara, Ernest Halvorsen, and Edward Mingey respectfully request this Honorable Court for 1) a 16 day extension, to September 5, 2018, in order to file responsive pleadings to Plaintiffs' amended complaints; 2) Thomas M. Leinenweber and James V. Daffada of the law firm of Leinenweber, Baroni, & Daffada, LLC substitute in as counsel for Defendants Reynaldo Guevara and Ernest Halvorsen; and 3) to withdraw the appearances of James G. Sotos, Caroline P. Golden, David A. Brueggen, Josh M. Engquist, Jeffrey N. Given, Jeffrey R. Kivetz, and Joseph M. Polick, of the Sotos Law Firm, P.C., as counsel for Defendants Reynaldo Guevara and Ernest Halvorsen

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<sup>1</sup> Defendants seek 16 days, rather than 14 days, due to the Labor Day holiday.

Dated: August 17, 2018

/s/Josh M. Engquist

Josh M. Engquist, Attorney No. 6242849

*One of the Attorneys for  
Defendant Mingey*

James G. Sotos  
Josh Engquist  
Jeffrey R. Kivetz  
David A. Brueggen

**THE SOTOS LAW FIRM, P.C.**  
550 E. Devon Ave., Suite 150  
Itasca, IL 60143  
(630)735-3300  
[jengquist@jsotoslaw.com](mailto:jengquist@jsotoslaw.com)

Respectfully submitted,

/s/Thomas M. Leinenweber

Thomas M. Leinenweber

*One of the Attorneys for Defendants  
Guevara and Halvorsen*

Thomas Leinenweber  
James Daffada  
Leinenweber Baroni & Daffada LLC

120 N. LaSalle Street Suite 2000  
Chicago, Illinois 60602  
(866) 786-3705  
[thomas@ilesq.com](mailto:thomas@ilesq.com)

**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury pursuant to 28 U.S.C.A. § 1746 that on August 17, 2018, I electronically filed the foregoing **INDIVIDUAL POLICE OFFICER DEFENDANTS' AGREED MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD AND TO SUBSTITUTE COUNSEL** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants listed below.

**Attorney for Armando Serrano**

Jennifer A. Bonjean  
Bonjean Law Group  
1000 Dean Street #422  
Brooklyn, NY 11238  
Tel: (718)875-1850  
[Jennifer@bonjeanlaw.com](mailto:Jennifer@bonjeanlaw.com)

**Attorney for Matthew Coghlan**

Paula S. Quest  
Jones Day  
77 W. Wacker Drive, Suite 3500  
Chicago, IL 60601  
Tel: (312) 782-3939  
[pquist@jonesday.com](mailto:pquist@jonesday.com)

**Attorneys for John Dillon and Cook County**

Christina Chojnacki  
Chaka M. Patterson  
Anthony E. Zecchin  
Scott A. Golden  
Justin W. Hanson  
Cook County State's Attorney Office  
500 Richard J. Daley Center  
Chicago, IL 60602  
Tel: (312) 603-3369

[chaka.patterson@cookcountyil.gov](mailto:chaka.patterson@cookcountyil.gov)  
[anthony.zecchin@cookcountyil.gov](mailto:anthony.zecchin@cookcountyil.gov)  
[scott.golden@cookcountyil.gov](mailto:scott.golden@cookcountyil.gov)  
[justin.hanson@cookcountyil.gov](mailto:justin.hanson@cookcountyil.gov)  
[Christina.chojnacki@cookcountyil.gov](mailto:Christina.chojnacki@cookcountyil.gov)

**Attorneys for Jose Montanez**

Arthur Loevy  
Jonathan Loevy  
Russell Ainsworth  
Debra Loevy  
Ruth Brown  
LOEVY & LOEVY  
311 N. Aberdeen 6th FL  
Chicago, IL 60607  
Tel: (312) 243-5900  
[arthur@loevy.com](mailto:arthur@loevy.com)  
[jon@loevy.com](mailto:jon@loevy.com)  
[russell@loevy.com](mailto:russell@loevy.com)  
[debra@loevy.com](mailto:debra@loevy.com)  
[ruth@loevy.com](mailto:ruth@loevy.com)

**Attorneys for City of Chicago**

Eileen E. Rosen  
Stacy A. Benjamin  
Catherine M. Barber  
Theresa B. Carney  
Patrick R. Moran  
Rock Fusco & Connelly, LLC  
321 N. Clark, Suite 2200  
Chicago, IL 60654  
Tel: (312)494-1000  
[erosen@rfclaw.com](mailto:erosen@rfclaw.com)  
[sbenjamin@rfclaw.com](mailto:sbenjamin@rfclaw.com)  
[cbarber@rfclaw.com](mailto:cbarber@rfclaw.com)  
[tcarney@rfclaw.com](mailto:tcarney@rfclaw.com)  
[pmoran@rfclaw.com](mailto:pmoran@rfclaw.com)

/s/ Josh Engquist

JOSH M. ENGQUIST, Attorney No. 6242849  
*One of the Attorneys for Defendant Mingey*